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*Counsel to the Liquidating Trustee*

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

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In re:	:
	: Chapter 11
CIRCUIT CITY STORES, INC., <u>et al.</u> ,	:
	: Case No. 08-35653 (KRH)
Debtors.	:
	: Jointly Administered
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**SUPPLEMENTAL FIRST ORDER REGARDING LIQUIDATING TRUST'S FORTIETH  
OMNIBUS OBJECTION TO LANDLORD CLAIMS  
(REDUCTION OF CERTAIN INVALID CLAIMS-MITIGATION)**

THIS MATTER having come before the Court<sup>1</sup> on the Liquidating Trust's Fortieth  
Omnibus Objection to Landlord Claims (Reduction of Certain Invalid Claims-Mitigation), (the

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Objection.

“Objection”), which requested, among other things, that the claims specifically identified on Exhibit B attached to the Objection be reduced or disallowed for those reasons set forth in the Objection; and it appearing that due and proper notice and service of the Objection as set forth therein was good and sufficient and that no other further notice or service of the Objection need be given; and it further appearing that no response was timely filed or properly served by the Claimants being affected by this Order; and it appearing that the relief requested on the Objection is in the best interest of the Liquidating Trust, the Debtors’ estates and creditors and other parties-in-interest; and after due deliberation thereon good and sufficient cause exists for the granting of the relief as set forth herein,

IT IS HEREBY ORDERED ADJUDGED AND DECREED THAT:

1. As provided in the First Order Regarding Liquidating Trust’s Fortieth Omnibus Objection to Landlord Claims (Reduction of Certain Invalid Claims-Mitigation) (the “Original Order”), the Objection is sustained in part, as set forth therein.
2. Notwithstanding anything to the contrary in the Original Order, Claim Number 12332 filed by Greenwood Point LP (“Claim No. 12332”) shall be not reduced and instead remains subject to the Objection.
3. The Court will conduct a status conference on October 9, 2012 for Claim No. 12332 and for all of the Claims identified on Exhibit B to the Original Order.
4. The Liquidating Trust’s rights to object to any claim including (without limitation) the Claims subject to the Objection, on any grounds that applicable law permits, are not waived and are expressly reserved.
5. This Court shall retain jurisdiction to hear and determine all matters arising from or relating to this Order.

Dated: Richmond, Virginia  
\_\_\_\_\_, 2012

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HONORABLE KEVIN R. HUENNEKENS  
UNITED STATES BANKRUPTCY JUDGE

WE ASK FOR THIS:

TAVENNER & BERAN, PLC

/s/ Lynn L. Tavenner

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*Counsel to the Circuit City Stores, Inc.  
Liquidating Trust*

**CERTIFICATION OF ENDORSEMENT UNDER LOCAL RULE 9022-1(C)**

Pursuant to Local Bankruptcy Rule 9022-1(C), I hereby certify that the foregoing proposed order has been endorsed by or served upon all necessary parties.

/s/ Lynn L. Tavenner  
Lynn L. Tavenner